

HOUSE BILL 1098

A2

11r0464

By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2011

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Wine Consumption – Restaurants and Clubs**

3 **PG 305–11**

4 FOR the purpose of allowing an individual in a restaurant or club for which a certain
5 alcoholic beverages license is issued in Prince George's County to consume
6 under certain circumstances wine not purchased from the restaurant or club;
7 authorizing a license holder to charge a patron a certain fee under certain
8 circumstances; applying the sales tax to the fee; requiring a restaurant or club
9 patron to dispose of or remove certain wine after finishing a meal; allowing the
10 individual to remove from the licensed premises a bottle, the contents of which
11 are only partially consumed, if the license holder or an employee of the license
12 holder inserts a cork in or places a cap on the bottle; specifying that a certain
13 bottle of wine is an "open container" for a certain purpose; altering a certain
14 definition; and generally relating to alcoholic beverages in Prince George's
15 County.

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 12–107(b)(2)
19 Annotated Code of Maryland
20 (2005 Replacement Volume and 2010 Supplement)

21 BY adding to
22 Article 2B – Alcoholic Beverages
23 Section 12–107(b)(10)
24 Annotated Code of Maryland
25 (2005 Replacement Volume and 2010 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Tax – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 11–101(m)
2 Annotated Code of Maryland
3 (2010 Replacement Volume)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article 2B – Alcoholic Beverages**

7 12–107.

8 (b) (2) [It] **EXCEPT AS PROVIDED IN PARAGRAPH (10) OF THIS**
9 **SUBSECTION, IT** shall be unlawful for any person to drink on the licensed premises of
10 any license holder any alcoholic beverages not purchased from the license holder on
11 said premises and not permitted by this article to be consumed on the premises; and it
12 shall be unlawful for any license holder to permit any person to drink any alcoholic
13 beverage not purchased from the said license holder on the premises covered by the
14 license which he holds and not permitted by this article to be consumed on the
15 premises.

16 (10) (I) **THIS PARAGRAPH APPLIES ONLY IN PRINCE GEORGE’S**
17 **COUNTY.**

18 (II) **AN INDIVIDUAL WHO IS IN A RESTAURANT FOR WHICH A**
19 **CLASS B BEER, WINE AND LIQUOR LICENSE IS ISSUED OR WHO IS IN A CLUB FOR**
20 **WHICH ANY CLASS C ALCOHOLIC BEVERAGES LICENSE IS ISSUED MAY CONSUME**
21 **WINE NOT PURCHASED FROM THE RESTAURANT OR CLUB IF:**

22 1. **THE WINE IS CONSUMED WITH A MEAL; AND**

23 2. **THE INDIVIDUAL RECEIVES THE APPROVAL OF**
24 **THE LICENSE HOLDER.**

25 (III) **A LICENSE HOLDER THAT ALLOWS AN INDIVIDUAL TO**
26 **CONSUME WINE DESCRIBED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**
27 **MAY CHARGE THE INDIVIDUAL A FEE FOR THE PRIVILEGE NOT EXCEEDING \$25,**
28 **ON WHICH A SALES TAX SHALL BE IMPOSED.**

29 (IV) 1. **THE INDIVIDUAL SHALL DISPOSE OF OR REMOVE**
30 **WINE DESCRIBED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH THAT**
31 **REMAINS AFTER FINISHING THE MEAL.**

32 2. **THE INDIVIDUAL MAY REMOVE FROM THE**
33 **LICENSED PREMISES A BOTTLE, THE CONTENTS OF WHICH ARE ONLY**
34 **PARTIALLY CONSUMED WITH THE MEAL, IF THE LICENSE HOLDER OR AN**

1 EMPLOYEE OF THE LICENSE HOLDER INSERTS A CORK IN OR PLACES A CAP ON
2 THE BOTTLE.

3 3. A BOTTLE OF WINE THAT IS REMOVED FROM THE
4 LICENSED PREMISES UNDER SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH IS
5 AN "OPEN CONTAINER" FOR PURPOSES OF THE CRIMINAL LAW ARTICLE.

6 Article – Tax – General

7 11–101.

8 (m) "Taxable service" means:

9 (1) fabrication, printing, or production of tangible personal property by
10 special order;

11 (2) commercial cleaning or laundering of textiles for a buyer who is
12 engaged in a business that requires the recurring service of commercial cleaning or
13 laundering of the textiles;

14 (3) cleaning of a commercial or industrial building;

15 (4) cellular telephone or other mobile telecommunications service;

16 (5) "900", "976", "915", and other "900"-type telecommunications
17 service;

18 (6) custom calling service provided in connection with basic telephone
19 service;

20 (7) a telephone answering service;

21 (8) pay per view television service;

22 (9) credit reporting;

23 (10) a security service, including:

24 (i) a detective, guard, or armored car service; and

25 (ii) a security systems service;

26 (11) a transportation service for transmission, distribution, or delivery
27 of electricity or natural gas, if the sale or use of the electricity or natural gas is subject
28 to the sales and use tax; [or]

29 (12) a prepaid telephone calling arrangement; OR

1 **(13) IN PRINCE GEORGE’S COUNTY, THE PRIVILEGE GIVEN TO A**
2 **RESTAURANT OR CLUB PATRON UNDER ARTICLE 2B, § 12-107(B)(10) OF THE**
3 **CODE TO CONSUME WINE THAT IS NOT PURCHASED FROM THE RESTAURANT OR**
4 **CLUB.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2011.